

April 14, 2004

The Regular Meeting of the Rockingham County Board of Supervisors was held on Wednesday, April 14, 2004, at 2:00 p.m. at Spotswood High School, Penn Laird, Virginia. The following members were present:

PABLO CUEVAS, Election District* #1
CHARLES W. AHREND, Election District #2
DEE E. FLOYD, Election District #3
WILLIAM B. KYGER, JR., Election District #4
MICHAEL A. BREEDEN, Election District #5

*Arrived at 2:10 p.m.

Also present:

RICHARD CONNELLEE, Commissioner of the Revenue
DONALD W. FARLEY, Sheriff
L. TODD GARBER, Treasurer
L. WAYNE HARPER, Clerk of Circuit Court

JOSEPH S. PAXTON, County Administrator
G. CHRIS BROWN, County Attorney
STEPHEN G. KING, Deputy County Administrator
JAMES L. ALLMENDINGER, Director of Finance
DONALD D. DRIVER, Director of Social Services
WENDELL J. EBERLY, Director of Recreation and Facilities
RHONDA G. HENDERSON, Director of Planning
JENNIFER M. HOOVER, Director of Public Works
KENNETH N. McNETT, Director of Court Services
FRANKLIN P. O'BYRNE, Director of Information Systems
STEPHEN R. RIDDLEBARGER, Director of Human Resources
ROBERT A. SYMONS, Director of Fire & Rescue
WILLIAM L. VAUGHN, Director of Community Development
DOTTIE L. BOWEN, Deputy Clerk
DONALD F. KOMARA, Resident Engineer
Virginia Department of Transportation

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CALL TO ORDER

PLEDGE OF ALLEGIANCE AND INVOCATION.

Chairman Ahrend called the meeting to order at 2:00 p.m.

Deputy County Administrator King led the Pledge of Allegiance, and Administrator Paxton gave the invocation, asking for a moment of silence in memory of William Blose, a stalwart of the Spotswood community, who recently passed away.

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APPROVAL OF MINUTES.

On motion by Supervisor Floyd, seconded by Supervisor Breeden and carried by a vote of 4 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - ABSENT; FLOYD - AYE; KYGER - AYE; the Board approved the Minutes of the Regular Meeting held on March 24, 2004.

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TRANSPORTATION DEPARTMENT.

The Board heard Mr. Komara's report on the activities of the Transportation Department.

Supervisor Breeden asked Mr. Komara to meet with him to look at the condition of a guardrail located on Bloomer Springs Road.

Supervisor Floyd thanked Mr. Komara for the written report concerning Route 689. He asked what Mr. Komara considered to be the major problem on that road. Mr. Komara said he believed vehicles traveling over the posted speed limit created most of the problems.

In response to a question from Supervisor Kyger, Mr. Komara advised that VDOT expects to have available approximately \$500,000 for a buggy/bike path from Wal-Mart to Turner Ashby High School.

Supervisor Kyger expressed his desire that the Metropolitan Planning Organization support improvements from Erickson Avenue to Route 33.

Supervisor Cuevas suggested Mr. Komara ascertain the contact person in Congressman Bob Goodlatte's office to whom requests regarding emergency projects should be directed.

Supervisor Breeden said he believed all the necessary signatures were in on the Route 754 project. He asked if Mr. Komara had looked at the guardrail on Route 646; the two of them will visit the site together next week.

Supervisor Floyd asked about the progress on the redesign of the intersection of Port Republic Road and Shenlake Drive. Mr. Komara advised that the preliminary review of the funding was higher than anticipated and he planned to rework some of the plans in order to bring the total to a more acceptable amount.

Supervisor Floyd said he had had a request for a four-way stop at Massanetta Springs Road and Route 689.

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WEED AND SEED PROGRAM.

Ramona Rogers made a presentation to the Board concerning the activities of the Weed and Seed Program. She explained the program's aim to go into areas where drug trafficking was prevalent, weed out the undesirable elements and seed the area with activities that would be beneficial to the residents.

Sergeant Felicia Glick explained the activities of the Sheriff's Office in relation to the Weed and Seed Program.

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**RESOLUTION NO. 04-06 - INTERIM FINANCING FOR
ELKTON MIDDLE AND MONTEVIDEO MIDDLE SCHOOLS.**

On motion by Supervisor Cuevas, seconded by Supervisor Floyd and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board adopted the following Resolution No. 04-06 regarding interim financing for Elkton Middle and Montevideo Middle Schools.

RESOLUTION

**OF THE BOARD OF SUPERVISORS OF ROCKINGHAM COUNTY, VIRGINIA,
REGARDING INTERIM LEASE FINANCING BY ROCKINGHAM COUNTY PUBLIC
SCHOOLS FOR CAPITAL PROJECTS FOR SCHOOL PURPOSES**

WHEREAS, the School Board of Rockingham County, Virginia (the "School Board") has determined that a vital need exists for construction, reconstruction, expansion and equipping of public school facilities in Rockingham County, Virginia (the "County"); and

WHEREAS, the School Board, in order to meet the needs of present and future enrollments, desires to obtain interim funds in order to pay the costs for construction, reconstruction, expansion and equipping of public school facilities in the County, including Elkton Middle School and Montevideo Middle School (all capital projects for school purposes within the County being designated collectively herein as the "Project"); and

WHEREAS, in October, 2003, the School Board submitted two applications to the Virginia Department of Education ("DOE") for Literary Fund loans ("Literary Loans") for the two middle schools

named above, in the aggregate principal amount of \$13,600,000, and these middle schools, respectively, are currently listed as Numbers 48 and 49 on the Waiting List for Literary Loans maintained by DOE; and

WHEREAS, the County and the School Board have been advised that no direct Literary Loans are currently available to the School Board, and further, that participation by the County in the Subsidy Bond Sale this Fall, 2004, through the Virginia Public School Authority, will likely not be available given the listing priority for these middle schools on DOE's Waiting List for Literary Loans; and

WHEREAS, the County and the School Board have requested the assistance of the Industrial Development Authority of Town of Broadway, Virginia (the "Authority") to issue its lease revenue note in order to provide interim financing for the Project, and it is reasonably anticipated that the Authority shall approve such issuance at its meeting on April 20, 2004; and

WHEREAS, the School Board has approved a resolution at its April 13, 2004, regular meeting to enter into a lease revenue arrangement with the Authority; and

WHEREAS, under such lease revenue arrangement, it is contemplated that the Authority would issue its \$8,500,000 Industrial Development Authority of Town of Broadway, Virginia Lease Revenue Note, Series 2004 ("Bank-Qualified") (referenced herein as the "Note"), pursuant to the following core documents, among other certificates, agreements and instruments as may be advised by bond counsel:

(i) a Note Purchase and Escrow Agreement among the Authority SunTrust Bank, Harrisonburg, Virginia (as the "Bank", initial purchaser of the Note), SunTrust Bank, Richmond, Virginia (as the "Project Fund Manager") and, for purposes of consenting thereto, the County and the School Board (the "Note Purchase and Escrow Agreement");

(ii) a Lease from the School Board to lease the middle schools to the Authority;

(iii) a Financing Lease between the Authority and the School Board under which the Authority would lease the middle schools back to the School Board, and the School Board would agree to pay rental to the Authority, subject to sufficient annual appropriations by the Board of Supervisors of the County, from time to time, therefor;

(iv) an Assignment of Rents and Leases between the Authority and the Bank; and

(v) a Tax Certificate of the Authority, with the certificate of the School Board attached thereto.

All such documents, including any other certificates, agreements and instruments in connection with the Note are collectively referenced in this Resolution as the "Basic Documents".

WHEREAS, the Board of Supervisors now desires to acknowledge and evidence its concurrence of such transactions by the School Board and the Authority for such lease revenue arrangement in order for the School Board to obtain short-term funds to pay a portion of the costs of the Project in anticipation of receipt of long-term financing from Literary Loans or, alternatively, receipt of long-term financing by the County's participation in a VPSA Subsidy Bond Sale.

WHEREAS, the County has previously made its declaration of intent to reimburse itself from the proceeds of the issuance of the Note in connection with the Project, all as required by federal tax laws in connection with the issuance of exempt bonds.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of Rockingham County Virginia, as follows:

1. The Board of Supervisors, acting on behalf of the County (the "Board"), hereby requests and accepts the Authority's assistance to provide interim financing for the Project by the issuance of its Note to the Bank pursuant to the terms of that certain Commitment Letter from SunTrust Bank, dated March 29, 2004, including any amendments thereto, attached hereto as **Exhibit A**.

2. It is to be understood that nothing herein contained is or shall be deemed to be a pledge of the faith and credit or the taxing power of the County in connection with the lease revenue financing described above, nor shall anything herein or contemplated under such transactions legally bind or obligate the Board or any future Board of the County to appropriate funds for such purposes.

3. The Board hereby acknowledges, approves and consents to an interim lease financing by the School Board in the maximum principal amount not to exceed \$8,500,000 (the "Lease Financing") pursuant to the Basic Documents, as described above, in order for the School Board to obtain interim funding for the Project.

4. It is also to be understood that the County and the School Board presently anticipate that the principal of the Note either will be refinanced with the proceeds of loans from the Literary Fund to the School Board, or refinanced through the County's participation in a subsidy bond sale (as described above). Notwithstanding anything to the contrary, it is to be understood that any other permanent or other long term

financing may be obtained, or, alternatively, the County may otherwise provide for the long-term financing of the Project, from time to time.

5. To the extent permitted by law, the Board hereby agrees to pay to the School Board such amounts that shall be sufficient to pay the rental payments and any other amounts owed by the School Board to the Authority pursuant to the Financing Lease, to be used by the Authority to pay the payments on the Note, subject in all cases to annual appropriations by the Board from time to time as permitted under Virginia law. Accordingly, the County Administrator is hereby directed to submit for each fiscal year while the Note shall remain outstanding, a request to the Board of Supervisors for an appropriation to the School Board separate from all other appropriations to the School Board for an amount equal to the rental payments coming due under the Financing Lease for the next ensuing fiscal year. The Board's obligations to make payments to the School Board pursuant to this Resolution, under all circumstances, shall be subject to and dependent upon appropriations being made, from time to time, by the Board for such purposes.

6. The Chairman and Vice Chairman of the Board, and the County Administrator, any one or more of whom may act, and such officers, employees, and agents of the County as any of them may designate, are each authorized and directed to execute and deliver any and all instruments, certificates and other documents required to carry out the purposes of this Resolution, all as may be advised by counsel.

7. The Board and such officers, employees, and agents of the County shall coordinate with the School Board and the Authority in order to accomplish all such further actions as may be necessary or convenient, or as may be required by law, in order to carry out the intent and purposes of this Resolution for the provision of interim financing for the Project.

8. This Resolution will take effect immediately upon its adoption.

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SHENANDOAH VALLEY BATTLEFIELDS FOUNDATION.

In response to a request from the Shenandoah Valley Battlefields Foundation, dated March 30, 2004, on motion by Supervisor Kyger, seconded by Supervisor Breeden and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board supported the Foundation's request for federal funding for fiscal year 2005, including \$2,000,000 for battlefield preservation from the Land and Water Conservation Fund of the U.S. Department of Interior, \$500,000 from the Heritage Parks and Partnership Program of the National Park Service, and \$318,750 from the Forest Legacy Program of the U.S. Department of Agriculture.

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RESOLUTION NO. 04-07 - SHENANDOAH VALLEY RAILROAD COMPANY (SVRR).

In response to a request from the Shenandoah Valley Railroad Company (SVRR), dated March 22, 2004, on motion by Supervisor Kyger, seconded by Supervisor Floyd and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board adopted the following resolution.

RESOLUTION NO. 04-07
RAIL PRESERVATION APPLICATION
SHENANDOAH VALLEY RAILROAD COMPANY

WHEREAS, the Shenandoah Valley Railroad Company (SVRR) desires to file an application with the Virginia Department of Rail and Public Transportation to install 4.56 miles of track, crosstie installation, bridge timber replacement, one turnout, crossing surface work, ballasting, surfacing and lining, and ditching of roadbed; and

WHEREAS, the General Assembly, through enactment of the Rail Preservation Program, provides for rehabilitation funding for improvement of railways in the Commonwealth of Virginia; and

WHEREAS, the SVRR is an important element of the Rockingham County transportation system; and

WHEREAS, the SVRR is instrumental in the economic development of the Rockingham County area, provides relief to the highway system by transporting freight, and provides an alternate means of transporting commodities; and

WHEREAS, the County of Rockingham supports the project and the retention of the rail service along this rail corridor; and

WHEREAS, the Commonwealth Transportation Board has established procedures for all allocation and distribution of the funds provided;

NOW, THEREFORE, BE IT RESOLVED that the County of Rockingham does hereby request the Virginia Department of Rail and Public Transportation to give priority consideration to the projects proposed by the Shenandoah Valley Railroad Company, totaling \$300,000 for this funding cycle.

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SOCIETY OF PORT REPUBLIC PRESERVATIONISTS.

On motion by Supervisor Floyd, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board supported the request of the Society of Port Republic Preservationists, Inc., to the Shenandoah Valley Battlefields Foundation for cooperative funding for the following projects.

Project # 1: The conversion of a former kitchen in the Port Republic Museum to a research/receiving room.

Project # 2: The repair, restoration and improvement of Riverside Graveyard in the village of Port Republic.

Project # 3: The restructuring of the front porch of the Port Republic Museum.

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HARRISONBURG-ROCKINGHAM CONVENTION AND VISITORS BUREAU.

The Board heard a presentation concerning the activities of the Harrisonburg-Rockingham Convention and Visitors Bureau by Allison Coonley, Executive Director.

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LAND USE ISSUE - DERWOOD L. RUNION.

A request by Derwood L. Runion was not heard as Mr. Runion was not present at the meeting.

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**RECESS FOR MEETING OF
SMITH CREEK WATER AND WASTE AUTHORITY.**

At 3:10 p.m., Chairman Ahrend recessed the meeting so that a special meeting of the Smith Creek Water and Waste Authority could be held.

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CALL TO ORDER.

Chairman Ahrend called the meeting back to order at 3:20 p.m.

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COUNTY ADMINISTRATOR’S STAFF REPORT.

The Board received and reviewed Mr. Paxton's staff report dated April 8, 2004, including information concerning a recent VDOT public hearing on the Six-Year Plan, proposal to improve stream channels (Bergton, Naked Creek, and Dry River) to mitigate problems with high water during storms, financial matters, economic development, District Courts construction and Plains District Community Center.

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COUNTY ATTORNEY’S STAFF REPORT.

As recommended by Mr. Brown, on motion by Supervisor Kyger, seconded by Supervisor Breeden and carried by a vote of 5 to 0, voting recorded as follows: AHREND – AYE; BREEDEN – AYE; CUEVAS – AYE; FLOYD – AYE; KYGER – AYE; the Board approved the following.

Attachment A
**Rockingham County Cafeteria Plan
Amendment for HIPAA Privacy**

Introduction

Rockingham County, Virginia (the “Plan Sponsor”), sponsors the Rockingham County Cafeteria Plan (the “Plan”). Members of the Plan Sponsor’s workforce have access to individually identifiable health information of Plan participants for administrative functions of the Plan. When this health information is provided from the Plan to the Plan Sponsor, it is Protected Health Information (“PHI”).

The Health Insurance Portability and Accountability Act of 1996 (“HIPAA”) and its implementing regulations restrict the Plan Sponsor’s ability to use and disclose PHI. Under HIPAA and for these purposes, PHI means information that is created or received by the Plan and relates to the past, present, or future physical or mental health or condition of a participant; the provision of health care to a participant; or the past, present or future payment for the provision of health care to a participant; and that identifies the participant or for which there is a reasonable basis to believe the information can be used to identify the participant. PHI includes information of persons living or deceased.

The Plan Sponsor shall have access to PHI from the Plan only as permitted under this plan amendment or as otherwise required or permitted by HIPAA.

Provision of Protected Health Information to Plan Sponsor

A. Permitted Disclosure of Enrollment/Disenrollment Information

The Plan may disclose to the Plan Sponsor information on whether an individual is participating in the Plan.

B. Permitted Uses and Disclosure of Summary Health Information

The Plan may disclose Summary Health Information to the Plan Sponsor, provided the Plan Sponsor requests the Summary Health Information for the purpose of (i) obtaining premium bids from health plans for providing health insurance coverage under the Plan; or (ii) modifying, amending or terminating the Plan.

“Summary Health Information” means information that (i) summarizes the claims history, claims expenses or type of claims experienced by individuals for whom the Plan Sponsor had provided health benefits under a Health Plan and (ii) from which the information described at 45 CFR § 164.514(b)(2)(i) has been deleted, except that the geographic information described in 45 CFR § 164.514(b)(2)(i)(B) need only be aggregated to the level of a five-digit zip code.

C. Permitted and Required Uses and Disclosure of PHI for Plan Administrative Purposes

Unless otherwise permitted by law, and subject to the conditions of disclosure described in this section and obtaining written certification pursuant to this section, the Plan may disclose PHI to the Plan Sponsor, provided the Plan Sponsor uses or discloses such PHI only for Plan administration purposes. "Plan administration purposes" means administration functions performed by the Plan Sponsor on behalf of the Plan, such as quality assurance, claims processing, auditing, and monitoring. Plan administration functions do not include functions performed by the Plan Sponsor in connection with any other benefit or benefit plan of the Plan Sponsor, and they do not include any employment-related functions.

D. Conditions of Disclosure for Plan Administration Purposes

The Plan Sponsor agrees that the Plan Sponsor shall with respect to any PHI (other than enrollment/disenrollment information and Summary Health Information, which are not subject to these restrictions) disclosed to it by the Plan:

1. Not use or further disclose the PHI other than as permitted or required by the Plan or as required by law.
2. Ensure that any agent, including a subcontractor, to whom it provides PHI received from the Plan agrees to the same restrictions and conditions that apply to the Plan Sponsor with respect to PHI.
3. Not use or disclose the PHI for employment-related actions and decisions or in connection with any other benefit or employee benefit plan of the Plan Sponsor.
4. Report to the Plan any use or disclosure of the information that is inconsistent with the uses or disclosures provided for of which it becomes aware.
5. Make available PHI to comply with HIPAA's right to access in accordance with 45 CFR § 164.524.
6. Make available PHI for amendment and incorporate any amendments to PHI in accordance with 45 CFR § 164.526.
7. Make available the information required to provide an accounting of disclosures in accordance with 45 CFR § 164.528.
8. Make its internal practices, books, and records relating to the use and disclosure of PHI received from the Plan available to the Secretary of Health and Human Services for purposes of determining compliance by the Plan with HIPAA's privacy requirements.
9. If feasible, return or destroy all PHI received from the Plan that the Plan Sponsor still maintains in any form and retain no copies of such information when no longer needed for the purpose for which disclosure was made, except that, if such return or destruction is not feasible, limit further uses and disclosures to those purposes that make the return or destruction of the information infeasible.
10. Ensure that the adequate separation between the Plan and the Plan Sponsor (i.e., the "firewall"), required in 45 CFR § 504(f)(2)(iii), is satisfied.

E. Adequate Separation Between Plan and Plan Sponsor

The Plan Sponsor shall allow its Director of Human Resources, Human Resources Coordinator, Payroll Specialist, Payroll Supervisor, and Part-time Receptionist to have access to PHI. No other persons shall have access to PHI. These specified employees (or classes of employees) shall only have access to and use PHI to the extent necessary to perform the plan administration functions that the Plan Sponsor performs for the Plan. In the event that any of these specified employees do not comply with the provisions of this section, that employee shall be subject to appropriate disciplinary action by the Plan Sponsor, up to and including termination.

F. Certification of Plan Sponsor

The Plan shall disclose PHI to the Plan Sponsor only upon the receipt of a certification by the Plan Sponsor that the Plan has been amended to incorporate the provisions of 45 CFR § 164.504(f)(2)(ii), and that the Plan Sponsor agrees to the conditions of disclosure set forth above in this section.

This Plan Amendment shall take effect the ____ day of April, 2004, and has been adopted by:

ROCKINGHAM COUNTY, VIRGINIA

By _____
Employer

RESOLUTION NO. 04-09.

CERTIFICATION
Amendment of Health Plans for HIPAA Privacy

The undersigned hereby certifies (i) that Rockingham County, Virginia (the “Plan Sponsor”), has amended the Rockingham County Cafeteria Plan to incorporate the provisions of 45 CFR § 164.504(f)(2)(ii) and (ii) that the Plan Sponsor has agreed to the conditions of disclosure set forth therein.

Date

Joseph S. Paxton
Rockingham County Administrator/
Clerk to the Board of Supervisors

RESOLUTION NO. 04-10.

CERTIFICATE OF RESOLUTION

The undersigned Clerk to the Board of Supervisors of Rockingham County, Virginia (the County) hereby certifies that the following resolutions were duly adopted by the County’s Board of Supervisors on April____, 2004 and that such resolutions have not been modified or rescinded as of the date hereof:

RESOLVED, that the Amendment for HIPAA Privacy to the Rockingham County Cafeteria Plan (the “Plan”), presented to this meeting, is hereby approved and adopted.

RESOLVED, that the proper representatives of the County are hereby authorized and directed to take all other actions necessary to carry into effect the foregoing resolution.

The undersigned further certifies that attached hereto as Exhibit A is a true copy of the Amendment for HIPAA Privacy approved and adopted in the foregoing resolutions.

Clerk

Date: _____

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DEPUTY COUNTY ADMINISTRATOR’S STAFF REPORT.

Mr. King noted that he was working on the County’s new web site and asked Board members to provide to him any information they wish to have included.

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FINANCE DIRECTOR’S STAFF REPORT.

Mr. Allmendinger did not have a written report.

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HUMAN RESOURCES DIRECTOR’S STAFF REPORT.

The Board received and reviewed Mr. Riddlebarger’s staff report dated April 14, 2004, recommending the Board renew contract with Southern Health Services, Inc., for County's health insurance.

On motion by Supervisor Kyger, seconded by Supervisor Floyd and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board approved the following premiums and accepted Southern Health Services, Inc., as the County's health insurance plan provider for October 1, 2004, to September 30, 2005.

<u>Type of Coverage</u>	<u>Monthly Premium</u>
Employee Only	\$331.48
Employee + One	\$760.44
Employee and Family	\$948.10

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PUBLIC WORKS DIRECTOR’S STAFF REPORT.

The Board received and reviewed Ms. Hoover’s staff report dated April 9, 2004, including information concerning progress on the sewer project for Route 11 North; Lilly Gardens; Countryside water system; Penn Laird Drive and Water Tower Road sewer; Lakewood/Massanetta Springs pump station, Spotswood High School waterline extension, Wal-Mart water and sewer project, Three Springs back-up power, and the Grottoes Container Site.

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COMMUNITY DEVELOPMENT DIRECTOR’S STAFF REPORT.

The Board received and reviewed Mr. Vaughn’s staff report dated April 7, 2004, including information concerning the Planning Commission activities, McGaheysville Plan, projects underway, tabled requests, and upcoming requests.

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INFORMATION SYSTEMS DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mr. O'Byrne's staff report dated April 8, 2004, including information concerning projects for the ICHRIS server, the Courthouse, videoconferencing, Web Page re-design, Eden Gold Financial Software upgrade, Personal Property Software re-write for the Commissioner of the Revenue Office, Real Estate/Reassessment/Land Use Software re-write for the Commissioner of the Revenue Office; Commissioner of Revenue computers, and Central Garage computer.

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STAFF REPORT - FIRE AND RESCUE DIRECTOR.

The Board received and reviewed Chief Symons' staff report dated April 6, 2004, including information concerning training, prevention division activities, and public education.

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RECREATION AND FACILITIES DIRECTOR'S STAFF REPORT.

Received and reviewed Mr. Eberly's staff report dated April 7, 2004, including information concerning progress on the TIP Center, Plains District Community Center, District Courts renovation, Administration Center roof (completed), and Recreation programs.

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COMMITTEE REPORTS.

The Board heard Committee reports by Board members and staff.

On motion by Supervisor Cuevas, seconded by Supervisor Breeden and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; as recommended by the Finance Committee and as requested by the Social Services Director, the Board approved the following appropriations in the amount of \$76,500 (60% Federal, 40% State funds and no local match).

Supplemental Appropriation: \$40,000

GL Code: 220-05302-200-5757-000
(VIEW Purchase Services-City)

Supplemental Appropriation: \$36,500
GL Code: 220-05302-100-5757-000
(VIEW Purchase Services-County)

On motion by Supervisor Kyger, seconded by Supervisor Breeden and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; as recommended by the Finance Committee and as requested by the Sheriff, the Board approved the following supplemental appropriation in the amount of \$27,336, to be used for purchasing PC's and a replacement Livescan. The Compensation Board has approved \$19,703, and the requested cost for the locality is \$7,633, of which the City of Harrisonburg will pay 50%.

Supplemental Appropriation: \$27,336
GL Code: 001-03102-000-8007-000
(Computer Equipment)

On motion by Supervisor Kyger, seconded by Supervisor Breeden and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; as recommended by the Finance Committee and as requested by the Director of Recreation and Facilities, the Board approved a supplemental appropriation of \$72,623 for emergency roof maintenance on the Administration Center building (approved by the Board on February 25, 2004) with funding from the General Fund Reserve.

Supplemental Appropriation: \$72,623
GL Code: 001-04309-000-3301-000
(Repairs and Maintenance)

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RECESS.

Chairman Ahrend recessed the Meeting from 3:45 to 7:30 p.m.

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STUDENTS WELCOMED.

At 7:30 p.m., Chairman Ahrend called the meeting to order, and the Board welcomed visiting government class students from Spotswood and Turner Ashby High Schools.

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PUBLIC HEARING – PROPOSED BUDGET FOR FISCAL YEAR
COMMENCING JULY 1, 2004 AND PROPOSED TAX RATES FOR THE
CALENDAR YEAR 2004 AND FISCAL YEAR 2004-05.

At 7:31 p.m., Chairman Ahrend declared the meeting open for a Public Hearing, pursuant to Section 15.2-2506, Code of Virginia, 1950, as amended, on the following proposed Budget for the Fiscal Year commencing July 1, 2004, proposed Property Tax Rates for the Calendar year 2004, and E911 rate for Fiscal Year 2004-05.

COUNTY OF ROCKINGHAM, VIRGINIA
PROPOSED BUDGET FOR THE FISCAL YEAR COMMENCING JULY 1, 2004
AND PROPOSED TAX RATES FOR THE CALENDAR YEAR 2004

The proposed budget synopsis is prepared and published for public information and fiscal planning purposes only. The inclusion in this budget of any item or items does not constitute an obligation or commitment on the part of the Board of Supervisors of this County to appropriate any funds for that item or purpose. The budget consists of the estimates and requests of the officers and department heads submitted to the County Administrator, and the Board of Supervisors' proposed level of funding of those requests.

The Board of Supervisors will hold a public hearing to receive public comment on these recommendations on April 14, 2004, at 7:30 p.m., at Spotswood High School, Penn Laird, Virginia. This public hearing is being held pursuant to section 15.2-2506, Code of Virginia, 1950, as amended. All citizens of the County are invited and encouraged to attend and provide the Board with written or oral comments and to ask questions concerning the County's proposed FY 2004-05 budget, within reasonable time limits that are established by the Board of Supervisors.

A copy of the proposed budget may be inspected by the public in the County Administrator's Office, County Administration Center, 20 East Gay Street, Harrisonburg, and in each of the County's branch libraries.

EXPENDITURES

	BUDGETED		PROPOSED	
	FY 03-04		FY 04-05	
<u>GENERAL FUND</u>				
General Government Administration	\$	4,163,365	\$	4,531,146
Judicial Administration		2,565,094		2,588,831
Public Safety		12,729,257		13,397,044
Public Works		1,244,674		1,373,489
Human Services		1,171,628		1,191,724
Parks, Recreation & Cultural		1,450,280		1,671,717
Community Development		2,322,670		2,276,886
Contributions		348,274		424,528
Contingency		60,199		500,000

Other Expenses	81,000	81,000
Transfers to Other Funds	44,488,088	39,191,764
Debt Service - County	615,563	572,231
Debt Service - Schools	<u>5,416,708</u>	<u>4,976,309</u>
TOTAL - GENERAL FUND	\$ 76,656,800	\$ 72,776,669
Capital Projects Fund	\$ 7,508,839	\$ 5,111,000
School Capital Projects Fund	3,300,000	11,000,000
School Fund	81,722,401	85,584,565
School Cafeteria Fund	3,651,281	3,828,100
School Textbook Fund	821,427	896,433
Massanutten Technical Center Fund	4,238,918	4,487,330
E911 Communications Fund	753,693	626,737
Asset Forfeiture Fund	80,000	80,000
Harrisonburg-Rockingham Social Services District	13,761,722	14,491,010
Central Stores Fund	27,000	28,000
Utilities Fund	5,597,842	6,320,586
Lilly Subdivision Sanitary District	80,140	24,065
Smith Creek Water & Wastewater Authority	4,523,635	814,150
Countryside Sanitary District	230,355	239,710
Solid Waste Fund	3,262,212	4,510,220
Human Resources Rental Fund	<u>233,672</u>	<u>233,672</u>
TOTAL EXPENDITURES	\$ 206,449,937	\$ 211,052,247

REVENUES

	BUDGETED	PROPOSED
	FY 03-04	FY 04-05
<u>GENERAL FUND</u>		
General Property Taxes	\$ 42,724,000	\$ 43,675,000
Other Local Taxes	6,805,000	7,068,000
Other Local Revenue	5,076,355	5,764,629
State Revenue	13,163,669	13,779,053
Federal Revenue	1,016,913	983,907
Balance Carried Forward	<u>7,870,863</u>	<u>1,506,080</u>
TOTAL GENERAL FUND	\$ 76,656,800	\$ 72,776,669
Capital Projects Fund	\$ 7,508,839	\$ 5,111,000
School Capital Projects Fund	3,300,000	11,000,000
School Fund	81,722,401	85,584,565
School Cafeteria Fund	3,651,281	3,828,100
School Textbook Fund	821,427	896,433
Massanutten Technical Center	4,238,918	4,487,330
E911 Communications Fund	753,693	626,737
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TOTAL REVENUES	\$ 206,449,937	\$ 211,052,247

PROPOSED TAX RATES

<u>Classification of Tax</u>	Actual 2003	Proposed 2004
Real Estate	\$0.71	\$0.71
Personal Property	2.80	2.80
Recreational Vehicles	2.80	2.80
Machinery & Tools	2.55	2.55
Merchants Capital	0.87	0.87
Farm Machinery	0.44	0.44
Manufactured Home	0.71	0.71

All property tax levies are per one hundred dollars of assessed value at fair market rate, except merchants capital which is based on 67% of fair market value. Property tax levies are effective January 1.

	Actual FY 03-04	Proposed FY 04-05
E-911 Telephone	\$0.84	\$1.50

E-911 tax is levied per subscriber line and the rate is effective July 1, 2004.

The Board of Supervisors will meet on Wednesday, April 28, 2004 at the Rockingham County Administration Center to consider adopting the FY 2004-05 Budget, and to fix property tax rates for the calendar year 2004, and the E-911 tax for the fiscal year beginning July 1, 2004.

By the order of the Board of Supervisors
of the County of Rockingham, Virginia

COUNTY ADMINISTRATOR'S PRESENTATION.

Administrator Paxton reviewed the various aspects of the proposed budget as follows.

"Thank you Mr. Chairman and members of the Board. Good evening ladies and gentlemen.

"After 25 years of sitting behind the overhead projector, it is a pleasure to have the opportunity this evening to present the budget on behalf of the Board.

"Preparation of the annual budget is one of the most important tasks for the Board of Supervisors. Each year

the Board has the opportunity and responsibility to look at the priorities it established and to determine how to allocate limited resources among the services provided to the community. This year presents a unique challenge for the Board and staff in that the State, as of yet, has failed to meet its obligation and adopt a budget. As a result, the County, including Schools, has been forced to prepare a budget based on its best guess of funds to be received from the State. Unfortunately, our expectation is that the State will follow a recent trend of decreased commitment toward State-mandated services and provide only a modest increase in some critical areas such as K-12 education.

County of Rockingham
Proposed Budget
FY 2004-2005

GROWTH OF GENERAL FUND OPERATING APPROPRIATIONS IN VIRGINIA					
Fiscal Year 2001 to Fiscal Year 2004					
Major General Fund Programs	2001	2002	2003	2004	Growth 2001 vs. 2004
					Dollars Percent
1. HIGHER EDUCATION	1,543,130,585	1,571,334,467	1,342,810,704	1,262,664,609	(280,465,976) -18.2%
2. K-12 EDUCATION	4,112,591,090	4,098,620,135	4,097,906,505	4,241,675,412	129,084,322 3.1%
3. MENTAL DISAB.	430,233,766	434,390,936	412,419,069	395,005,957	(35,227,809) -8.2%
4. CORRECTIONS	1,048,280,276	1,059,239,254	1,007,042,908	1,007,345,807	(40,934,469) -3.9%
5. MEDICAID	1,449,460,011	1,568,831,403	1,787,976,288	1,839,080,544	389,620,533 26.9%
7. Car Tax	572,392,514	809,445,981	874,037,267	920,689,232	348,296,718 60.8%
8. GF Debt Service	243,127,201	259,903,421	262,619,883	285,211,725	42,084,524 17.3%
Subtotal for Major GF Programs	9,399,215,443	9,801,765,597	9,784,812,624	9,951,673,266	552,457,843 5.9%
Other Appropriations:	2,884,395,370	2,212,054,750	2,320,373,996	2,307,949,469	(576,445,901) -20.0%
TOTAL GF Appropriations	12,283,610,813	12,013,820,347	12,105,186,620	12,259,622,755	(23,988,058) -0.2%

Note: Virginia's budget is funded from two broad sources of revenues. Almost half of the budget is funded from general funds which are revenues from state taxes, such as sales taxes and income taxes on individuals and corporations. The remaining portion of the budget is funded from non-general funds which are funds from such sources as the Federal government, tuition paid by college students and special fees and taxes collected for highway construction.

Note: Budget numbers provided by the Office of the Secretary of Finance.

4/5/2004

<http://www.vachamber.com/GrowthFY01-041>

"As you can see from this chart with data provided by the Commonwealth's Secretary of Finance and Administration (John Bennett), the State's contribution to K-12 Education has increased by only 3.1% between 2001 and 2004. Over the same period of time, we see significant decrease in other areas. The General Assembly has taken credit for increased aid to localities over the past four years, when in reality what has occurred is a shift in the payment of the personal property tax from the local level to the State level, with payments coming from the State's General Fund ostensibly from the income tax. As you can see from this chart, the reimbursement for the elimination of the local car tax, has increased 60.8% in the last four years, sapping the funds available to meet the state obligations for mandated services such as Education, Social Services, Health Department, Sheriff, Courts and others.

"Despite these uncertainties and increased demand, this proposed budget addresses the Board's desire to continue a

high level of public service without an increase in property tax rates.

"The departments and agencies of County government understand the challenges that face the Board this year, and submitted budgets that requested few new initiatives. The Board has established priorities for the County by supporting those programs that improve safety and enhance the quality of life that make Rockingham County a great place to live, work and raise a family. Education, law enforcement, and fire & rescue remain high priority services for the Board. However, it is important to point out that the Finance Committee and staff reduced budget requests by over \$1,400,000 before recommending a plan to the Board. Now to the new initiatives that are included in this year's budget -

"First, in the area of Public Safety, funding is included for two additional fire & rescue employees for the Port Republic Road/Hose Company #4 service area to ensure that adequate coverage is provided, particularly during the morning and evening commute hours. The County continues to study the demand for additional paid staffing of the fire & rescue stations, and to work to encourage volunteer membership to mitigate the direct cost of this service to the public.

"The budget also includes an additional fire inspector to meet the demands from commercial and industrial development, an additional road deputy for the Sheriff's Department and a maintenance technician to assist with the maintenance at the jail.

"Also, in the public safety area, the County and City propose to consolidate the dispatching systems of police, fire and rescue later this year in a new center to be located in the City's public safety building at Harrison Plaza. The purpose of this consolidated communications center is to improve the effectiveness of public safety agencies through a more coordinated response. The proposed capital budget includes \$1,000,000 for the County's share of the renovations of Harrison Plaza to accommodate the Center.

"In Community Development, the Board has become increasingly concerned with the long-term impact of stormwater detention facilities built to handle the run-off from development. Included in the proposed budget is funding for an engineer who will be responsible for reviewing the design of these facilities and monitoring them once constructed.

"With regard to the Solid Waste Fund, which includes the operation of the County's landfill and remote collection and recycling centers, the proposed budget includes \$240,000 for site development and equipment and \$75,000 for staffing of a household waste and recycling collection site in the Grottoes area. In addition, the proposed budget includes \$2,400,000 for design, permitting, and the initial construction for the next phase of the waste disposal area at the landfill.

"Finally, the proposed operating budget includes up to a \$950,000 increase in local funding for the school division for the coming year. Determining the amount of local funding necessary for school operations has been especially difficult for the Board this year. The County has never been faced with trying to determine the required level of local funding necessary to meet the service level of our Schools without having a firm estimate from the State. Under State law, the Commonwealth is to fund its share of the "Standards of Quality" for education. For the County, that share amounts to about 62% of the cost. Currently, however, the State funds less than 50% of this cost, and in this year's General Assembly session, both Houses passed legislation that increase the requirements under the SOQ's, which could further lower the percentage that the State pays for education. There is a wide disparity between the funding levels for education proposed in this year's state budget by the House of Delegates, Senate, and Governor, but the mandates remain the same. The increased allocation proposed for School operations, of up to \$950,000, is funded utilizing the growth anticipated in property tax collections for the coming year.

"This summary outlines the major priorities that will receive operating increases in the General Fund for the coming year. The proposed County budget includes few items of capital outlay (replacement or new), and generally reflects a flat or reduced level of authorized spending for other operating items such as office supplies and printing. However, the Board believes this budget will permit the County to continue to provide basic services for our community.

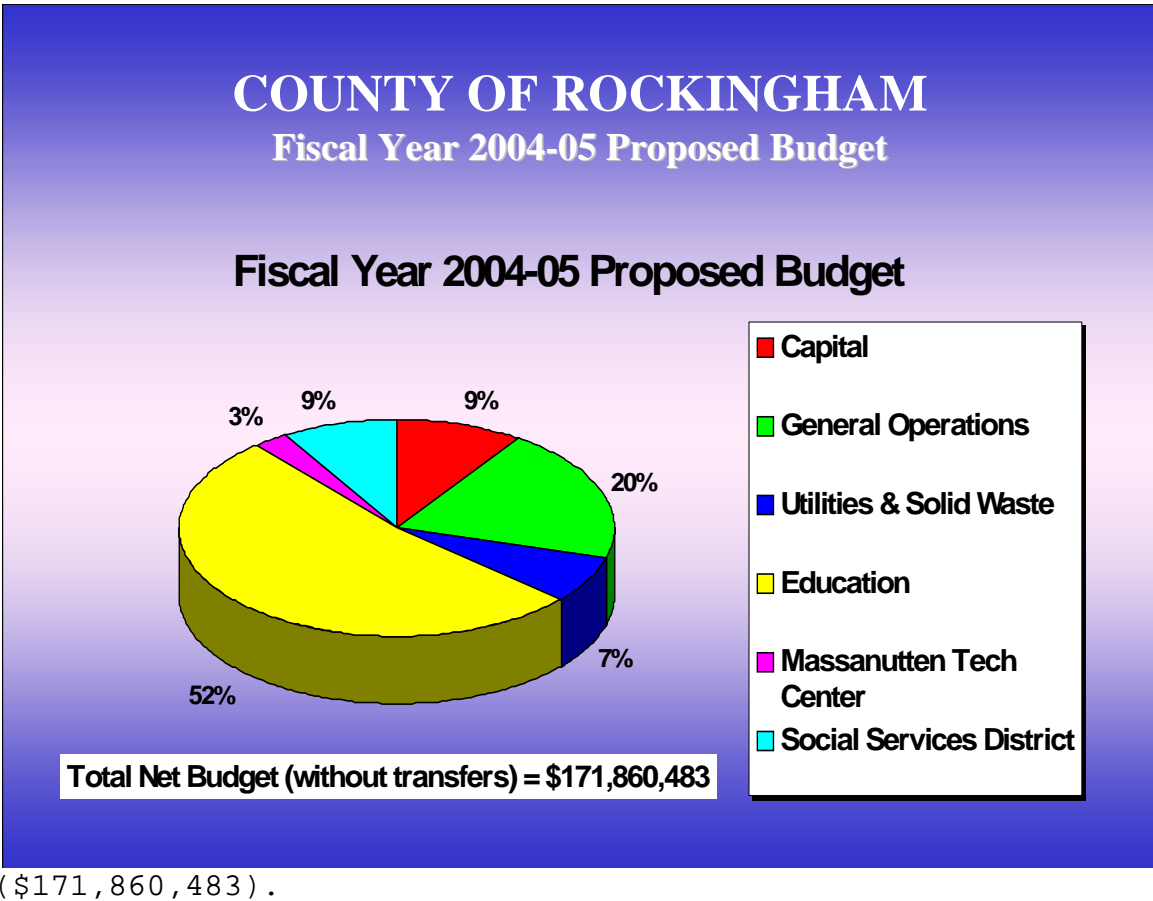
"There are several significant capital projects proposed to be initiated and completed in the coming year. The Board of Supervisors and School Board continue to work closely to address building needs for the education system, within the constraints of minimizing the tax impact on our citizens. This past year, the Board of Supervisors authorized the School Board to renovate Montevideo Middle School and to construct an addition and renovate Elkton Middle School. The total cost of these two projects is \$13,000,000, and funding to complete those projects are included in the school capital projects fund this year. The two Boards also recognize that following these projects, the County's other two middle schools, J. Frank Hillyard and Wilbur S. Pence, will be in need of renovation.

"Work is underway with the City to build out the second floor of the District Courts building. The work includes the construction of a new courtroom and moving the Juvenile & Domestic Relations District Court from the first floor to the second floor which will free up space on the first floor for Juvenile Court Probation and the General District Court. The total cost of this work is \$1,500,000, which will be split with the City, each paying half of the cost. This project is scheduled to be completed this fall.

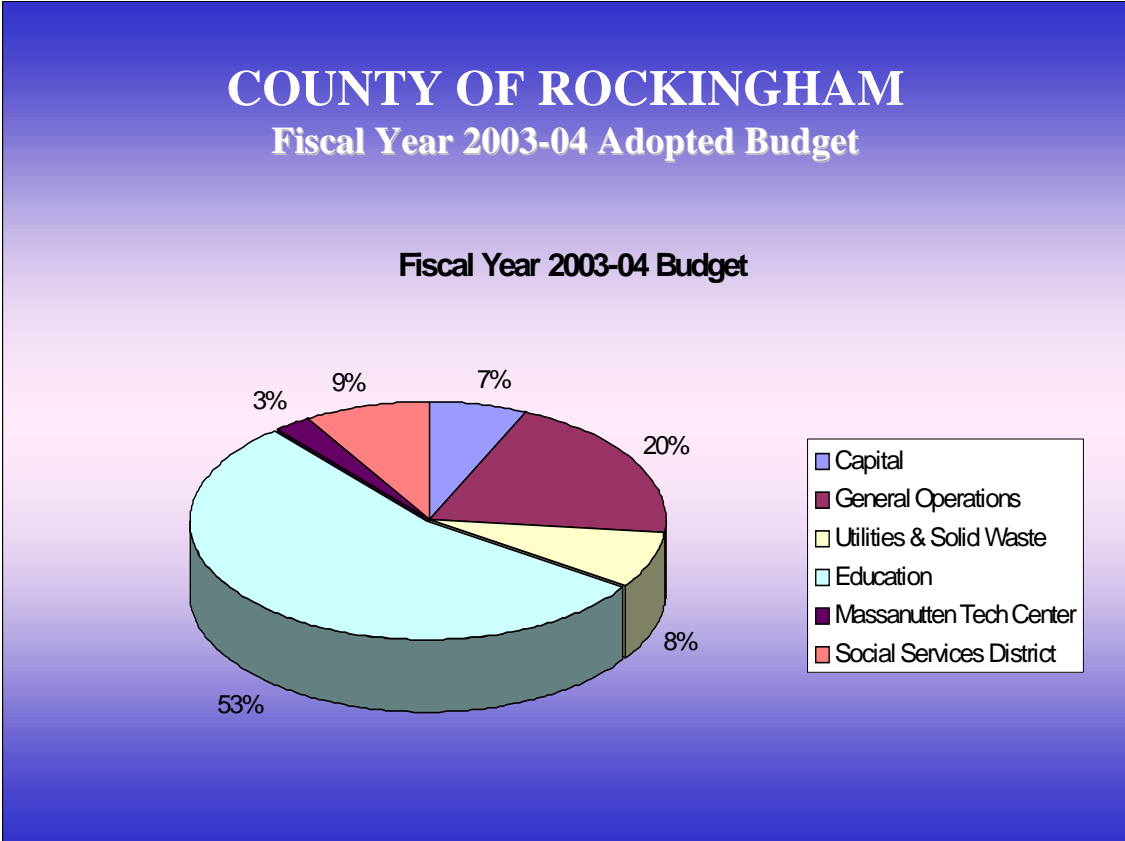
"Funding is proposed to be carried over to complete phase one of the infrastructure improvements at the new Technology and Industrial Park on North Valley Pike. This work will include water, sanitary sewer, stormwater improvements, and roadway construction. The Park will position the County to attract business and industry to our community to further diversify and strengthen our economy. The cost of this phase is approximately \$3,000,000.

"There is also proposed in the Capital Fund, \$70,000 to construct a storage garage for Fire & Rescue vehicles and equipment, such as the Command Bus and Hazardous Materials truck. This facility would be constructed in the Pleasant Valley area near the entrance to the law enforcement training center.

"In total, the proposed budget for the coming year is just over two hundred eleven million dollars (\$211,052,247). Backing out transfers between funds, the total is just under one hundred seventy two million dollars



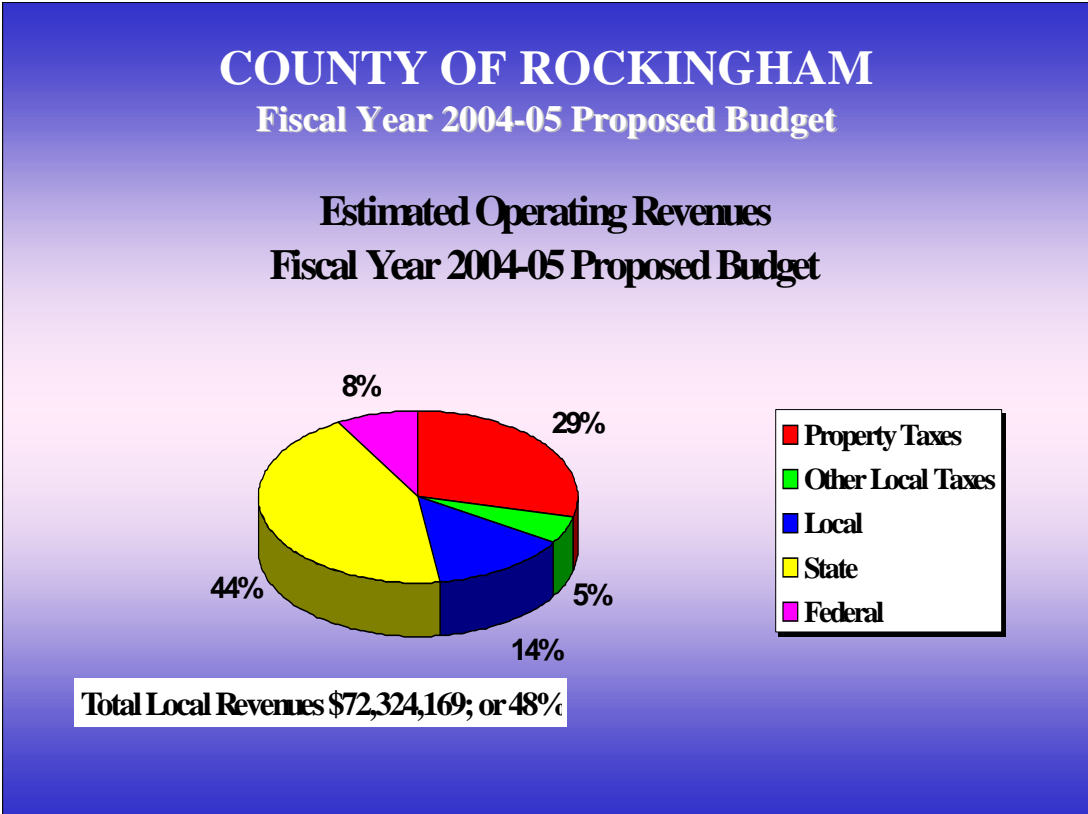
"For the coming year, 9% of the budget is proposed for capital projects, 20% is for general operations, 7% for Utilities and Solid Waste (including the Lilly and Countryside Sanitary Districts, and Smith Water & Waste Authority), 52% for Education, and 3% and 9% for Massanutten Technical Center and Social Services District, two County/City agencies for which the County serves as fiscal agent.



"The proposed distribution of funds is somewhat different than the current (FY 2003-04) budget, where 3% was allocated for capital, 20% for general operations, 8% for Utilities and Solid Waste, 53% went towards education, 3% to the Massanutten Technical Center and 9% to the Social Services District. The significant increase in capital for the coming year is for the \$11 million to complete the east side middle school projects.

"Now, how do we propose to pay for these services and projects?

"First, there is no property tax rate increase proposed for the coming year. However, included in the budget proposal is an increase in the 911 fee that is on each telephone line from 84 cents a month to \$1.50 per month. The increase will total a little less than \$8 per year per telephone line. These funds will be used to pay the County's total cost of operating the communications center. In prior years, these costs had been covered partially from other local revenues. The County is also studying water & sewer fees to determine if adjustments will be needed in these user fees.



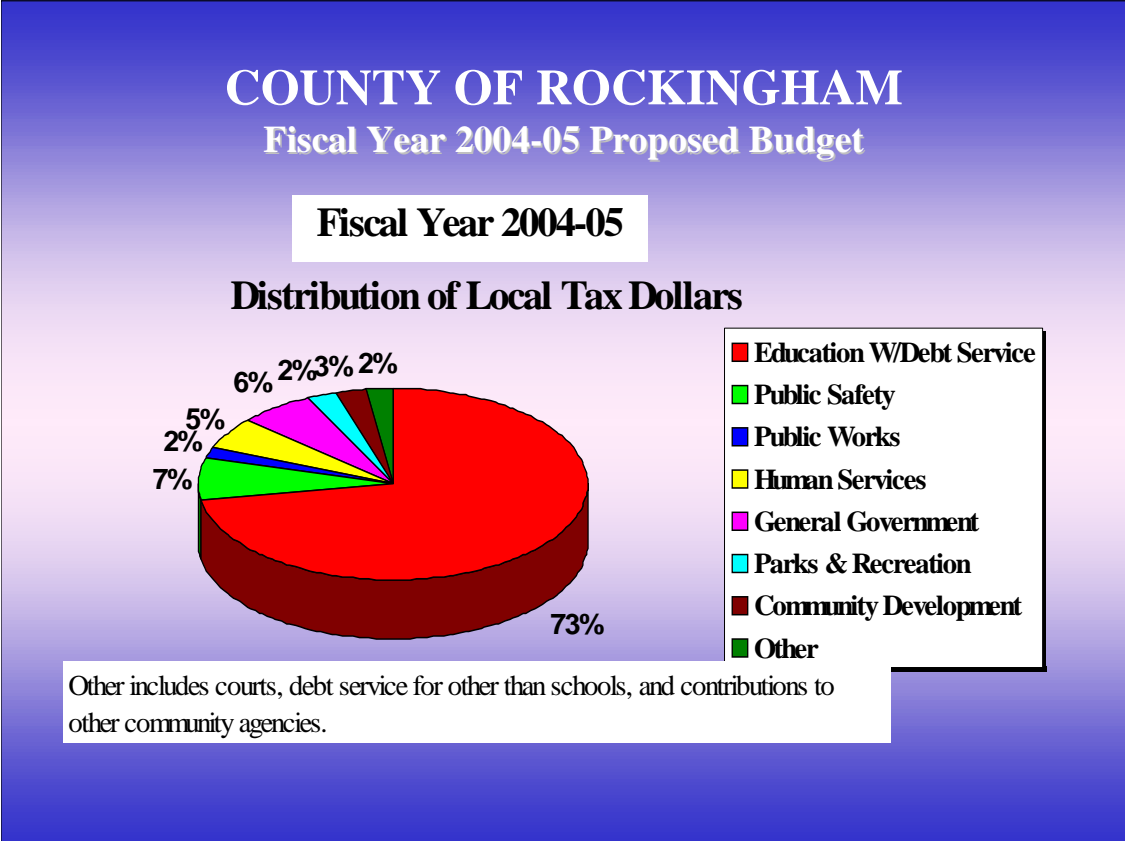
"This chart depicts only estimated operating revenues for the next budget year, meaning it does not include those moneys used to pay for capital expenditures. Starting at the top of the chart and working clockwise, we see that approximately 29% will come from property taxes, 5% from other local taxes (which includes sales tax, automobile decals and utility tax) and 14% from other local sources (which includes such items as permits, fees and charges for services). Interest rates remain low, which continues to make borrowing attractive while negatively impacting revenues the County receives from investments. Local sales tax receipts remain relatively flat with only a moderate increase expected next year. As shown on the chart, slightly less than half of our operating revenue (48%) is expected to come from local sources. Of the balance, 44% is anticipated to come from State funds and 8% from federal funds. Over the past several years the amount of the budget coming from local and federal dollars has increased, while the state percentage has steadily declined. Not too many years ago, the Commonwealth paid more than 50% of the local budget. Unfortunately as the percentage paid continues to decrease the mandates do not follow suit. The Virginia Commission on Local Government catalogs all federal and state mandates, and issues a report that is now 381 pages long.

"As noted earlier, this budget has been balanced without an increase in any local property tax rate. However, you will see that there is some growth in the anticipated property tax collections for next year. This growth is the result of the vibrancy of the local economy, with the continued steady growth in residential, commercial and industrial construction in the County. We acknowledge that this growth has required, and will continue to require the County to incur capital and operational costs to attract the high quality of commercial and industrial

corporate citizens that provides Rockingham County with a strong, viable economy. The Board of Supervisors remains committed to fostering a diverse economy to help relieve the tax burden from residential property owners.

"The Board, in keeping with its philosophy to pay for capital projects out of funds on hand, unless favorable financing dictates other action, anticipates funding most of the proposed projects out of fund reserves, except for the school and water projects. The School projects are expected to be funded with a combination of local, state and borrowed funds, with borrowed funds coming from the Literary Loan Fund or the Virginia Public School Authority. Water and sewer projects are proposed to be paid for using some cash reserves and a federal grant, but primarily by issuing revenue bonds that will be paid back via user fees.

"Finally, if this budget is approved where will your local tax dollar go?



"This final chart shows that about 7 cents goes for public safety (primarily law enforcement and fire & rescue), public works gets about 2 cents, human services 5 cents, general government approximately 6 cents, parks & recreation 2 cents, Community Development 3 cents, other functions including judicial and contributions 2 cents and education will receive about 73 cents of every local tax dollar.

"In closing, the County will continue to address the difficult decisions of balancing the needs and requirements for public services against the means of those that are asked to pay for those services. The Board and County staff will continue to strive to provide the best, most efficient means of service that is possible for you. While

we will not always agree on the level of service that is appropriate, it is through these types of public forums that the Board receives the input that it needs to make informed decisions.

"Thank you."

Janet Maasch, Camp Still Meadows, described the services offered by this camp for handicapped children, and asked that the County assist in the \$50,000 funding for a double-lane, blacktop road to the site.

Lisa Gooden read the following statement.

"Chairman Ahrend and members of the Board, I'm Lisa Gooden, a resident and taxpayer from District 5, but most importantly, I'm a parent of two children who currently attend Elkton Elementary and one who will begin kindergarten in the fall.

"I know that you've had a busy agenda this afternoon, but I appreciate the opportunity to address you this evening. It has been said that the members of the Board of Supervisors are the ones with all the wisdom, the ones with all the answers but, most importantly, the ones with all the money. I wish we could send you all to Richmond for a few days to straighten up matters there.

"My reason for speaking with you tonight is to remind you of an issue that I brought to your attention back in November about the need for increased art instruction at the elementary school level. At that time, my only request to you was that you listen to the School Board if this proposal was sent forward in the 2004-05 school board budget.

"In the School Board's personnel requests for 2004-05, an expenditure of \$66,000 has been outlined and would expand the elementary art curriculum from the current 12 weeks to 18 weeks. While this increase only involves six additional weeks of art instruction, it is invaluable to the 5,000 plus elementary students across the county whose only opportunity for this vital instruction is through school. Many children do not have the opportunity to obtain private instruction in the arts because of the time and expense involved.

"As a taxpayer of Rockingham County for the past 18 years, I do not feel that this \$66,000 expenditure that affects every elementary school student is outrageous.

"Throughout this budget deliberation process we at Elkton Elementary School have been using our creative skills to partner with other organizations to bridge this gap. I must note that one of the agencies that you currently provide funding to – Arts Council of the Valley, Inc. in Harrisonburg – recently awarded a grant for another parent and I to conduct a first ever Photography Camp. We are very excited about volunteering our services to conduct this camp for our 4th and 5th grade students, and the students will be the benefactors since the other parent volunteer is a professional photographer.

"Also, the Shenandoah Valley Watercolor Society recently funded a proposal that I submitted to them recently that will assist in the development of a Summer Art Camp at Elkton Elementary. My reason for bringing these projects to your attention is to make you aware that some of the agencies you support are also investing in programs for our youth. These agencies cannot, however, be expected to be the main source of funding for the arts of our schools.

"In this regard, I would offer you a hundred grand and a payday. While I must admit that they are in the form of candy, I think you'll find them very satisfying. That is how the many parents and students will feel if you support the School Board's original budget request. Please consider making it the School

Board's "payday" for the many worthwhile initiatives that have been included in the 2004-05 budget proposal. "Thank you."

Joan Cordner, Harrisonburg-Rockingham Convention & Visitors Bureau, noted that the CVB was supportive to local small businesses, such as her pottery study, by allowing them to have cooperative advertising in national publications. She asked that the Board continue support of the CVB.

Allison Coonley, Executive Director, Harrisonburg-Rockingham Convention & Visitors Bureau, reviewed the benefits the CVB brings to the County and asked for the Board's budget support.

Betty Newell, CART, reviewed the activities of this rural transportation system and thanked the Board for its past and present budgetary support.

Craig Moore, Co-Chairman, CVB Board, also discussed the CVB's activities and the benefits of tourism to the County, asking that the Board support its budget request.

Odeal Heisel thanked the Board for all the years it has "worked so well with the School Board."

Chairman Ahrend closed the public hearing and called the regular session back to order at 8:25 p.m.

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INFORMATION ITEMS.

The Board received the following Information Items from the County Administrator:

- a. Rent/Lease Payments Report for February 2004.
- b. Treasurer's Quarterly Refund Report for January 1, 2004, to March 31, 2004.
- c. Building Inspections Report for March 2004.
- d. Information regarding H-R Business & Convention Bureau FY2004-05 Budget request.

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ADJOURNMENT.

By consensus, the Board adjourned the meeting at 8:26 p.m.

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Chairman